

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Daenzal Xavier Murphy**

**Docket No. 7:16-CR-120-2D**

**Petition for Action on Supervised Release**

COMES NOW Kyle Kusmierczyk, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Daenzal Xavier Murphy, who, upon an earlier plea of guilty to Conspiracy to Distribute a Quantity of Heroin, and Distribution of a Quantity of Heroin and Aiding and Abetting, in violation of 21 U.S.C. §§ 846, 841(b)(1)(C), and 841(a)(1), and 18 U.S.C. § 2, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on July 19, 2017, to the custody of the Bureau of Prisons for a term of 14 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Daenzal Xavier Murphy was released from custody on March 26, 2018, at which time the term of supervised release commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On October 30, 2018, Murphy submitted a urine sample that tested positive for marijuana. Murphy is employed full time. In lieu of Murphy serving 10 days in jail per his third DROPS sanction, it is respectfully recommended that Murphy be required to adhere to a curfew via location monitoring for 60 days so he can remain employed. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Kyle Kusmierczyk  
Kyle Kusmierczyk  
U.S. Probation Officer  
200 Williamsburg Pkwy, Unit 2  
Jacksonville, NC 28546-6762  
Phone: 910-679-2034  
Executed On: November 15, 2018

#### **ORDER OF THE COURT**

Considered and ordered this 21 day of November, 2018, and ordered filed and made a part of the records in the above case.

James C. Dever III  
James C. Dever III  
U.S. District Judge